


CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

DEC 16 2009

JOHN F. CONCOHAN, CLERK
BY: 
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 6:05-cr-00006-1
)	(6:08-cv-80081)
)	
)	
v.)	<u>FINAL ORDER</u>
)	
)	By: Norman K. Moon
CIRO GAMALIEL GARCIA.)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' Motion to Dismiss is **GRANTED**, and Garcia's motion pursuant to 28 U.S.C. § 2255 is **DISMISSED**. Furthermore, finding that Garcia has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**. Any pending motions are hereby **DENIED as MOOT**, and the Clerk of the Court is directed to **STRIKE** this action from the active docket of the court.

The Clerk is further directed to send a certified copy of this Order and the accompanying Memorandum Opinion to Petitioner and to counsel for the United States.

ENTER: This 16th day of December, 2009.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE